

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **D. PAUL KNAPP, M.D.**

4 Holder of License No. **22830**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Board Case No. MD-03-0246A

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

(Decree of Censure and Probation)

7
8 The Arizona Medical Board ("Board") considered this matter at its public meeting
9 on December 7, 2005. D. Paul Knapp, M.D., ("Respondent") appeared before the Board
10 with legal counsel Charles Buri for a formal interview pursuant to the authority vested in
11 the Board by A.R.S. § 32-1451(H). The Board voted to issue the following Findings of
12 Fact, Conclusions of Law and Order after due consideration of the facts and law
13 applicable to this matter.
14

15 **FINDINGS OF FACT**

16 1. The Board is the duly constituted authority for the regulation and control of
17 the practice of allopathic medicine in the State of Arizona.

18 2. Respondent is the holder of License No. 22830 for the practice of allopathic
19 medicine in the State of Arizona.

20 3. The Board initiated case number MD-03-0246A after Respondent indicated
21 on his license renewal application that the Iowa Board of Medical Examiners took action
22 against him. According to the Iowa Board information, in 1996 Respondent failed to meet
23 the standard of care for the practice of dermatology, failed to maintain adequate medical
24 records, and submitted claims that were not supported by documentation. In addition,
25 Respondent prepared inadequate pathology reports, performed unnecessary pathologic
analysis, improperly billed for services rendered, failed to monitor medication properly for

1 a patient and provided inadequate supervision to his assigned physician assistant. In
2 July 2000 Respondent entered into a settlement agreement with the Iowa Board.

3 4. In August 2001 the State of New York entered an order finding Respondent
4 violated New York law when he was disciplined by Iowa and when he falsified his answer
5 to a question concerning disciplinary charges and actions. New York suspended his
6 license for five years effective when he resumes residence in New York. In November
7 2001 Respondent and the Washington State Board entered into an agreement requiring
8 he comply with the terms and conditions imposed by the Iowa Board. In 2003 the
9 Medical Board of California addressed the Iowa and New York disciplines as well as
10 concerns regarding care Respondent and his physician assistant provided to two
11 California patients. The California Board revoked Respondent's license, stayed the
12 revocation and placed Respondent on probation for five years with defined terms and
13 conditions. In 2004 the Iowa Board then took additional action against Respondent
14 based on the New York and California actions and suspended Respondent's license for
15 six months and placed him on probation for five years.

16 5. During the Board's investigation Staff discovered additional charges had
17 been filed by the Iowa Board against Respondent in April 2005 for violating the Iowa
18 Board Order. The Iowa violation involved Respondent's name being listed as the medical
19 director of a laboratory while his medical license was suspended. Respondent did not
20 actively perform any medical services for the lab and his name was removed as Director
21 of the lab. The Iowa Board cited Respondent for violating the Order, assessed a penalty,
22 and warned that a future violation may result in disciplinary action.

23 6. Respondent thanked the Board for giving him the opportunity to meet with
24 the Board and make some comments. Respondent noted most of the things the Board
25 heard go back to a period in 1995 and he has learned a lot since then, including that

1 having a medical license is a privilege and not a right and it needs to be earned every
2 day. Respondent testified he only has himself to blame and takes full responsibility.
3 Respondent noted he has been disciplined and the consequences have been far-
4 reaching and severe. Respondent noted there was a plan for remediation and
5 rehabilitation that was laid out for him and he has done all the things that were required
6 and more. Respondent testified he has completed the Physician Assessment and
7 Clinical Education program ("PACE") on two separate pathways – the general pathway
8 and one for dermatology. Respondent noted he has taken medical records courses and
9 instituted a new medical record-keeping system and done voluntary recertification.
10 Respondent also noted he participated in a pathology quality assurance program where
11 his dermatopathology readings are overread and has done this for a number of years on
12 a regular basis. Respondent testified he has a monitor in California who he meets with
13 regularly. Respondent also noted he has written a book on dermatology and has
14 attended continuing medical classes on a regular basis and goes to the American
15 Academy of Dermatology for one week each year. Respondent testified all of his
16 remediation reports are positive and he has had no complaints and the reports from his
17 monitor are very good. Respondent noted he is a much different physician than he was
18 ten years ago and he hoped the Board would not find it necessary to take further action.

19 6. Respondent testified he currently practices in California and has not
20 practiced in Arizona since 2003. Respondent noted his current practice is a solo general
21 dermatology practice and he does dermatopathology and dermatological surgery.
22 Respondent testified he sees all his patients himself. Respondent was asked if he still
23 stood by his 2003 letter to the Board wherein he agreed his medical records were
24 problematic, but that it was his documentation rather than inappropriate billing.
25 Respondent testified he was not before the Board to defend his past acts and he thinks

1 his medical records were poor, but he did not think there had ever been a finding that his
2 billing was in error. The Board noted it was trying to determine if his thought process has
3 changed since he sent the letter. The Board also asked Respondent about his statement
4 in the letter that he had met the requirements of supervising a physician's assistant,
5 specifically, whether he still believed that to be true. Respondent testified he would not
6 want to take issue with the Iowa Board and he does not know why they took the position
7 he was not meeting the requirements of supervision. Respondent testified he believed
8 the Iowa Board's point was that as a specialty practice he was not giving his supervision
9 of the physician's assistant the attention that it deserved and he agrees with that.

10 7. The Board asked Respondent if it was correct that the two cases California
11 acted upon involved issues of the physician's assistant doing extensive care of the
12 patient's surgery and interpreting slides, and the PA having a great deal of latitude.
13 Respondent agreed and testified it was the wrong thing to do. Respondent was asked
14 how many hours of ethics training he completed at PACE. Respondent testified there
15 were approximately five hours.

16 8. The Board noted the conduct reviewed by Iowa involved professional
17 lapses, ethical lapses and actual harm to patients. Respondent was asked how, in light
18 of this conduct, the Board could feel comfortable with Respondent practicing in Arizona.
19 Respondent testified he is a much better physician now than he was at that time and
20 believes he has learned a great deal from his mistakes. Respondent testified he believes
21 he has made great efforts to educate himself and to take action so his conduct does not
22 happen again. Respondent noted he has changed his practice patterns one-hundred
23 percent and is totally different in regard to the way he practices medicine and the Board
24 is looking at a much different physician today. Respondent was asked if he allowed his
25 physician assistant in Iowa to do things that were out of his rank and with no supervision

1 from Respondent as the supervising physician. Respondent testified there was
2 supervision, but he did not believe it was adequate.

3 **CONCLUSIONS OF LAW**

4 1. The Arizona Medical Board possesses jurisdiction over the subject matter
5 hereof and over Respondent.

6 2. The Board has received substantial evidence supporting the Findings of
7 Fact described above and said findings constitute unprofessional conduct or other
8 grounds for the Board to take disciplinary action.

9 3. The conduct and circumstances described above constitutes unprofessional
10 conduct pursuant to A.R.S. § 32-1401(27)(o) (“[a]ction that is taken against a doctor of
11 medicine by another licensing or regulatory jurisdiction due to that doctor’s . . .
12 unprofessional conduct as defined by the jurisdiction and that corresponds directly or
13 indirectly to an act of unprofessional conduct prescribed by this paragraph . . .”),
14 specifically, A.R.S. § 32-1401(27)(e) (“[f]ailing or refusing to maintain adequate records
15 on a patient”); 32-1401(27)(q) (“[a]ny conduct or practice that is or might be harmful or
16 dangerous to the health of the patient or the public”); and 32-1401(27)(ii) (“[l]ack of
17 inappropriate direction, collaboration or direct supervision of a medical assistant or a
18 licensed, certified or registered healthcare provider employed by, supervised by or
19 assigned to the physician”).

20 **ORDER**

21 Based upon the foregoing Findings of Fact and Conclusions of Law,
22 IT IS HEREBY ORDERED:

23 1. Respondent is issued a Decree of Censure for action taken against him by
24 other licensing and regulatory boards for the acts describe above that correspond directly
25 to acts of unprofessional conduct prescribed by Arizona law.

1 2. Respondent is placed on probation for five years with the following terms
2 and conditions:

3 a. Respondent shall comply with the terms of the California Board specifically:

4 i. Respondent may not supervise physician assistants.

5 ii. Within thirty days of the effective date of this Order Respondent shall
6 submit to Board Staff for approval a plan of practice for monitoring of Respondent's
7 practice by another physician in Respondent's field of practice who shall provide
8 periodic reports to Board Staff. If the monitor resigns or is no longer available,
9 Respondent shall, within fifteen days, submit to Board Staff for approval the name
10 of another physician in Respondent's field of practice to monitor physician's
11 practice.

12 iii. Respondent shall obey all federal, state, and local laws and all rules
13 governing the practice of medicine in Arizona.

14 **RIGHT TO PETITION FOR REHEARING OR REVIEW**


15 Respondent is hereby notified he has the right to petition for a rehearing or review.
16 The petition for rehearing or review must be filed with the Board's Executive Director
17 within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for
18 rehearing or review must set forth legally sufficient reasons for granting a rehearing or
19 review. A.A.C. R4-16-102. Service of this order is effective five (5) days after date of
20 mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed, the
21 Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

22 Respondent is further notified that the filing of a motion for rehearing or review is
23 required to preserve any rights of appeal to the Superior Court.
24
25

1 DATED this 9th day of February, 2006.



THE ARIZONA MEDICAL BOARD

By 
TIMOTHY C. MILLER, J.D.
Executive Director

7 ORIGINAL of the foregoing filed this
8 10th day of February, 2006 with:

9 Arizona Medical Board
10 9545 East Doubletree Ranch Road
11 Scottsdale, Arizona 85258

12 Executed copy of the foregoing
13 mailed by U.S. ~~Certified~~ Mail this
14 10th day of February, 2006, to:

15 Charles Buri
16 Friedl, Richter & Buri, P.A.
17 6909 East Greenway Road – Suite 200
18 Scottsdale, Arizona 85254-2131

19 Executed copy of the foregoing
20 mailed by U.S. Mail this
21 10th day of February, 2006, to:

22 D. Paul Knapp, M.D.
23 Address of Record
24
25

